

Plaintiff Exhibit 11C: Mlaker Affidavit

Plaintiff Exhibit 11C

Schaefer v. United States - EEOC: Case # 2:06-cv-12824; Judge Bernard A. Friedman

U.S. Postal Service

EEO Investigative Affidavit (Witness)

F	No.	No. Pages	Case No.
	1	2	45-4PI-00932

1. Affiant's Name (First, Middle, Last)

MICHAEL R. MLAKAR

2. Employing Postal Facility

GREAT LAKES AREA OFFICE

3. Position Title

AREA MANAGER RELATIONS

4. Grade Level

EAS

5. Postal Address and ZIP + 4

244 KNOXWOOD DR.
BIRMINGHAM, AL 35217

6. Unit Assigned

Privacy Act Notice: The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding in which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearance, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearance, security or satisfactory investigations;

contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 666)

7. Statement (Continue on Form 2568-B if additional space is needed)

My name is Michael R. Mlaker. I am the Manager of Labor Relations for the Great Lakes Area of the U.S. Postal Service. I am an EAS-25. I have been employed with the Postal Service for 26 years. I was not aware of Mark Schaefer's prior EEO activity. I had no knowledge of any disability issue with Mr. Schaefer. It is the policy of the Postal Service and the Unions to schedule arbitration hearings at the facility where the grievance was initiated. I was not aware that Mr. Schaefer was "banned" from entering the Livonia Post Office. I received his letter. I did not respond because arbitration matters are handled between the union National Business Agent and my office, not with individual employees. No one contacted me to specifically request to schedule the hearing at Livonia. I have never spoken to Mr. Cappelli. I did not aid him

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Michael R. Mlaker

Date Signed

12/26/01

PS Form 2568-B, March 2001

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Plaintiff Exhibit 11C: Mlaker Affidavit

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EEO Investigative Affidavit (Continuation Sheet)

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in writing a letter banning Mr. Schaefer from the Post Office. To my knowledge, no employee has ever been arrested for such an action and Mr. Schaefer would not have been arrested for attending his hearing. An "ban" placed on Mr. Schaefer by local management would not affect his contractual rights to appear at his own hearing.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

PS Form 2589, March 2001

Date Signed

12/26/01

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Honorable Bernard A. Friedman

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Plaintiff Exhibit 11D: Gaines Affidavit

Plaintiff Exhibit 11D

Schaefer v. United States - EEOC: Case # 2:06-cv-12824: Judge Bernard A. Friedman

U.S. Postal Service		Page No.	No. Pgs.	Case No.
EEO Investigative Affidavit (Witness)		1	2	4J-481-0093-01
1. Affiant's Name (Last, First, MI) GAINES, CHARLOTTE A.		2. Employing Postal Facility U.S. POSTAL SERVICE		
3. Position Title HUMAN RESOURCES SPECIALIST	4. Grade Level EAS-15	5. Postal Address and Zip no. 1401 W. FORT ST. DETROIT, MI 48233-0443		6. Unit Assigned INJURY COMPENSATION

Privacy Act Notice

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USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 666)

7. Statement (Continue on Form 2558-B if additional space is required)

My name is Charlotte Ann Gaines. I am a Human Resources Specialist, EAS 15 and assigned to the Detroit District Injury Compensation Office located in Detroit, MI. I have been a Postal Employee for 31 years and 6 months. I am waiving my right to representation, at this time. In the event it becomes necessary, I may be represented by the Detroit District Labor Relations Office. On August 11, 2000, I was made aware that Mr. Schaefer had filed an EEO referencing his open case. A representative from Detroit District EEO requested a review of his file. The knowledge that there was an EEOC case pending had no impact on my dealings with Mr. Schaefer. Based on medical documentation received from Mark Schaefer and the OWCP (Office of Workers' Compensation Programs), I regarded Mr. Schaefer to be totally disabled for all work with the Postal Service. Upon review of medical documentation and concurrence by the Manager, Human Resources, I followed procedures through the Great Lakes Area Office and Headquarters by requesting a Separation Disability for Mr. Schaefer. The Separation Disability was subsequently approved by the authorized higher level Postal Personnel. Mark Schaefer is on the Periodic Rolls with the OWCP. The Periodic Rolls provide totally disabled employees with a compensation check every 28 days, without the need to file a CAT. Injured employees are placed on the Periodic Rolls by the OWCP based on available medical documentation indicating that the employee's disability from work is going to be long term. Employees on the Periodic Rolls must be released to return to work by the OWCP. Upon receipt of valid medical documentation releasing the employee to return to work, the OWCP contacts the employing agency to ascertain if suitable work is available. My role in returning an employee back to work from the Periodic Rolls is to provide suitable work, upon OWCP request. The Periodic Rolls cases are managed at the Area level. The Detroit District Periodic Rolls cases were managed by Area Human Resource Specialist Debra Benedict in the Allegheny Area Office, located in Cleveland, Ohio. At the local level, I occasionally conversed with Specialist Debra Benedict regarding the status of Mark Schaefer's case. At no time did Ms. Benedict indicate that the OWCP had received valid medical documentation releasing Mr. Schaefer to return to work. I was not empowered to return Mark Schaefer to full duty or work. The directive to return an employee to work from the Periodic Rolls must come from the OWCP through the Area Human Resources Specialist. This office nor I received any such directive. I sent all documents received by claimant to the OWCP, in a timely manner. I also provided Debra Benedict a copy. My conversation with Mark Schaefer on 03/14/01 consisted of his request for a written response for "why the Post Office is not returning him to work".

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature 	Date Signed January 3, 2002
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PS Form 2558-B, March 2001

ATTACHED
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Honorable Bernard A. Friedman

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Plaintiff Exhibit 11D: Gaines Affidavit

Plaintiff Exhibit 11D

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EEO Investigative Affidavit (Continuation Sheet)

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I had no conversation with Mr. Schaefer regarding sending him a letter to return to work, which is why he never received one. I had previously sent the OWCP a copy of Mark Schaefer's position description (Carrier Technician) at the onset of his claim, in 1997. Debra Benedict received the copy of claimant's position description when she copied his file from the OWCP Periodic Rolls unit. Mr. Schaefer had verbally indicated to me that he had bid on a position in Livonia, MI and was awarded same. I never received written notification of the bid award and therefore could not submit information to Ms. Benedict regarding his new bid. The OWCP (Office of Workers' Compensation Programs) has sole jurisdiction over the FECA (Federal Employees' Compensation Act). The OWCP determines the status of claims (i.e. acceptance, denial, compensation benefits eligibility and work status) based on review of available probative factual and medical information. The local level can not appeal OWCP rulings or override them. Mr. Schaefer's case was primarily managed at the Area level and the OWCP. There was no error or abuse in the local level management of Mr. Schaefer's case. Attached are letters addressed to Mr. Schaefer referencing the status of his case and his request to return to work. Letters are from the OWCP, Debra Benedict and Leonard L. Brown. Mr. Schaefer's case was managed per 20 CFR 10.2 which indicates 'the Director, Office of Workers' Compensation Programs and his or her designees have the sole authority for the administration, implementation and enforcement of the provisions under the FECA'. All decisions regarding claim issues are made by the US Department of Labor.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Charlotte A. Gaines

Date Signed

January 3, 2002

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Plaintiff Exhibit 11E: Hill Affidavit

Plaintiff Exhibit 11E

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U.S. Postal Service

EEO Investigative Affidavit (Witness)

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Affiant's Name (First, Middle, Last)

George Calvin Hill, M.D.

2. Employing Postal Facility

Detroit GWY

3. Position Title

Associate Area Med. Director

4. Grade Level

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5. Postal Address and ZIP + 4

1401 W. Fort M 347
Detroit, MI 48233-944

6. Unit Assigned

Medical

Privacy Act Notice: The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to supervise compliance of alleged discrimination and to evaluate the effectiveness of the EEO program, as a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, to a legal proceeding to which the USPS is a party or has an interest, to a government agency in order to obtain information relevant to a USPS decision concerning enforcement, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations,

contracts, licenses, grants or other benefits; to a congressional office at its request; to an expert, consultant, or other person under contract with the USPS; to an agency function; to the Federal Records Center for storage; to the Office Management and Budget for review of privacy relief legislation; to an independent certified public accountant during an official audit of USPS finances; to investigators, administrative judges or compliance monitors appointed by the EEO Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Labor System Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and/or matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is necessary for the complainant, and for Postal Service employees and other witnesses.

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 666)

7. Statement (Continue on Form 2568-B if additional space is required)

My Name is George C. Hill, M.D. My Job title is associate area medical Director, G.L.A. I am stationed at U.S. Post office Detroit GWY on Monday Tuesday Wednesday and Friday and assigned to Royal Oak on Thursday but I am responsible for medical care at all postal facilities in the State of Michigan. I have been employed by the U.S. Postal Service since 11 Mar 2000. I waive the right for representation. I was not aware of Mark Schaefer EEO until 19 Sept 01. On that date I became aware of the EEO activity after seeing a letter sent to Mr. Thomas Erb, Esq. Judge 19 Sept 01 is the last date of my entry into the medical records of Mr. Schaefer and the knowledge of EEO activity did not influence my interaction with Mr. Schaefer as there has been none until I received request for an EEO Investigative Affidavit. I had been instructed to not perform an examination on Mr. Schaefer.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

George C. Hill, M.D.

Date: GEORGE C. HILL M.D.

DEC 21 2001

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Plaintiff Exhibit 11E: Hill Affidavit

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EEO Investigative Affidavit (Continuation Sheet)

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as he was no longer an employee of the U.S. Postal Service. This direction to not examine Mr. Schaefer came from the Mgr of Int Comp Ms. Gwendolyn Johnson. After being on OWCP for an extended period of time, the employee was examined by 2485 Fitness for duty, proceeding and of more complicated Evaluation can be effected by Independent Medical Evaluation. I was informed by Ms. Gwendolyn Johnson, Mgr of Int Comp who stated the Mr. Schaefer should not be examined as he was no longer an employee of the U.S. Postal Service. My memo dated 9 mar 01 was based on my assessments of the evaluations of Mr. Schaefer by Dr. Edward Noel on 27 Aug 1997, by Dr. Richard S. Jackson on 14 Nov 97, by report of Dr. Jean Allee on 23 Feb 97 and repeated not fit for duty statements of Dr. Jean Allee and the apparent reluctance of Mr. Schaefer to return to work until he was separated from Service by the Postal Service. It was also influenced a sudden change in the evaluation of the job by Dr. Allee. These sudden changes in evaluation of his physician Dr. Allee and the change of desire with respect to returning to work, all occurred together and reflected an acute change in condition and attitudes if indeed the previous conditions were so serious I could not expect or comprehend the sudden changes in attitudes. There is also concern for the safety of the employee, other employees and the workplace. The Policy of requesting medical files by the employee is that all research in a file will be released to the employee upon presentation of a signed release by the

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

George C. Hill, M.D.

Date Signed: GEORGE C. HILL, M.D.

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Plaintiff Exhibit 11E: Hill Affidavit

Plaintiff Exhibit 11E

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employees. However, there is an exception in psychiatric evaluations as these are released only to a physician M.D. or D.O. Designee by the Employer. Psychiatric records and evaluations are never released directly (directly) to the employee but only to physician designees of the employer. I don't recall any problem with release of medical data to this pt. It may have occurred prior to my beginning working here as the problems of Mr. Schaefer began in late June of 1997. I began working here on 11 Mar 2000. I have records and data in chart dated 25 July 2001 in which I directed clerk to review pull chart for my review prior to release of information. I also have formally which an IME was scheduled by me and this was cancelled by the Mgr. of Ins. Compensation, Guend Johnson. Cancellation of an IME by ins. compensation is final in that that department pays for the IME as well as directs one through appropriate request to arrange for an IME. I am unable to schedule or arrange an IME with assurance that remuneration from IME is available. This is The End. George C. Hill, M.D.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

George C. Hill, M.D.

Date Signed

GEORGE C. HILL, M.D.

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Honorable Bernard A. Friedman

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Plaintiff Exhibit 11F: Ava Brown Affidavit

Plaintiff Exhibit 11F

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U.S. Postal Service

EEO Investigative Affidavit (Witness)

Page No. 1

1. Affiant's Name (First, Middle, Last)

2. Employing Postal Facility

3. Position Title

4. Grade Level

5. Postal Address and ZIP + 4

6. Unit Assigned

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contracts, services, goods or other benefits, to a congressional office if you request it in an report, committee, or other process under contract with the USPS, to an agency within the Postal Service Center for litigation, to the Office of Management and Budget for review of postal rates legislation, to an independent certified public accountant doing an audit work of USPS finances, to an investigator, administrator, judge or supervisor authorized by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Asset Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and one violation under this jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is relevant for the complaint, and the Postal Service complies with other requests.

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 685)

7. Statement (Continue on Form 2555-B if additional space is required)

Mr Schaefer was not here when I came to work and has not been here.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Ava Brown

Date Signed

4-3-02

PS Form 2555-B, March 2001

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Plaintiff Exhibit 11F: Ava Brown Affidavit
 Schaefer v. United States - EEOC: Case # 2:06-cv-12824; Judge Bernard A. Friedman

Plaintiff Exhibit 11F

INSTRUCTIONS FOR COMPLETING AN AFFIDAVIT

**READ THE FOLLOWING INSTRUCTIONS COMPLETELY
 BEFORE YOU WRITE YOUR AFFIDAVIT**

Be advised that an affidavit is a written declaration made under oath and can be entered as evidence in a court of law. Also, be advised that anyone completing an affidavit has the right to representation should he/she so choose.

A. COMPLETING EEO INVESTIGATIVE AFFIDAVIT PS Form 2568-B:

1. Read all the information provided so that you know what the issues are about.
2. The questions you must address are enclosed. Be sure you read them completely and fully understand the issues before you begin your affidavit.
3. Complete the following items on the header of the affidavit:
 - Item 1 Affiant's Name: Your Name *Ava Diane Brown*
 - Item 2 Employing Postal Facility: City State and Zip+4 of your office *Livonia, Michigan 48150-9999*
 - Item 3 Position Title: Your Title *Supervisor Customer Service*
 - Item 4 Grade Level: Your Grade Level *EAS 16*
 - Item 5 Postal Address and Zip+4: of your installation *11800 Merriman Livonia, MI 48150-9999*
 - Item 6 Unit Assigned: Leave blank if unknown
4. Item 7 is your statement:

WRITE A CLEAR, CONCISE STATEMENT OF THE FACTS IN STORY FORM.

 - a. **DO NOT** number the questions on the affidavit.
 - b. **DO NOT** use yes or no answers.

Do -- Convert the questions into a statement written in the first person -- adding the information that you will be giving. (Example -- Question: Did you see what happened? Affidavit answer: I did see what happened and here are the facts...)
 - c. **DO NOT** leave any blank space in the body of your affidavit -- do not indent the first line of each paragraph or leave a line between paragraphs. Start at the left margin of the page and write all the way to the right margin of the page leaving no empty space in the body of your statement.
 - d. Type or print your affidavit using black ink only.
 - e. Initial any errors, changes, or corrections.
5. Use PS FORM 2569 EEO Investigative Affidavit (Continuation Sheet) when additional space is needed

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APPROVED
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Honorable Bernard A. Friedman

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Plaintiff Exhibit 11F: Ava Brown Affidavit

Plaintiff Exhibit 11F

Schaefer v. United States - EEOC: Case # 2:06-cv-12824: Judge Bernard A. Friedman

MARK SCHAEFER
EEO FILE #4J-481-0093-01
INVESTIGATIVE QUESTIONS FOR AVA BROWN

Note: In order to ensure your affidavit is clear and detailed, you must answer every question and every subpart of every question. If you cannot answer a question, state why you cannot answer. You may give approximations, but only when you cannot be more specific and only when you indicate that your answer is an approximation.

1. State the following information:
 - A. Your complete name AVA Diane Brown
 - B. Your job title Supervisor Customer Service
 - C. Your grade level EAS 16
 - D. The Post Office at which you are employed Livonia Main
 - E. The length of time you have been employed with the Postal Service 17 years
2. You have the right to representation. State whether you are waiving this right, or indicate the following information regarding your representative:
 - A. Name
 - B. Title
 - C. Complete address
 - D. Telephone number
 - E. Date retained
3. Prior to March 1, 2001, were you aware of Mark Schaefer's prior EEO activity? If so, NO state the following information:
 - A. When you became aware
 - B. Specifically how you became aware
 - C. Whether or not this knowledge affected any dealings you had with Mr. Schaefer
4. At this time or any time after, did you regard Mr. Schaefer as being disabled? NO
5. Mr. Schaefer states he was high bidder on route 5027 yet you never notified him that he was awarded the route. Explain why you never contacted him. Was he assigned to this route? Have you ever notified any other employee(s) they were awarded a route while they were off work on an extended leave pending a return? NO
6. Mr. Schaefer states he was also the high bidder on route 5496 on 1-21-01 yet you never notified him that he was awarded the route. State why you never contacted him. Was he assigned to this route? NO
7. What is the policy regarding a recovered employee returning to work after an extended absence? Was this policy followed? If not, explain why not.
Yes

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8. Is a Fitness for Duty Exam required after an employee has been off ill/injured for an extended period of time? If so, who is responsible for setting up the FFD? *Yes, Management and Head of Injury Comp*
9. To your knowledge, was a FFDI set up for Mr. Schaefer? If so, what was the result? *Mr. Schaefer is totally and permanently disabled for any type of employment.*
10. Did you contact the injury compensation department regarding Mr. Schaefer's request to return to work? If so, state: *NO*
- A. Who you spoke with
- B. What instructions they gave you
11. Mr. Schaefer states you instructed him he wasn't to use the employee entrance. State why he wasn't allowed to use the employee entrance and whether or not you've ever not allowed any other employees to use the employee entrance. *We never made a rule.*
12. Why did you decide to issue a disability separation to Mr. Schaefer? State any specific policies you relied upon when making this decision. *Just documentation*
13. Explain why Mr. Schaefer wasn't allowed to return to work. *His FFDI*
14. Mr. Schaefer alleges you delayed and falsified form 3112h, the supervisor statement for the disability retirement application. Respond to this statement. (A copy of form 3112B that you completed is enclosed for your reference) *I filled out the 3112B to the best of my ability.*
15. State any additional information you may have regarding this complaint.
16. State any policies, procedures, etc. you followed or used while handling any of the incidents cited in this complaint. State specific citations.
17. Provide any documentation you may have that supports your answers or is relevant to this complaint.

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Plaintiff Exhibit 11G: L. Brown
 Schaefer v. United States - EEOC:

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Plaintiff Exhibit 11G

U.S. Postal Service EEO Investigative Affidavit (Witness)		Page No. 1	No. Pgs. 2	Case No.
1. Affiant's Name (Last, First, MI) BROWN, LEONARD L.		2. Employing Postal Facility DETROIT DISTRICT POST OFFICE		
3. Position Title MANAGER, HUMAN RESOURCES	4. Grade Level EAS-24	5. Postal Address and Zip +4 1401 WEST FORT STREET, 10TH FLOOR DETROIT, MI 48233-8884		6. Unit Assigned DISTRICT OFFICE

Privacy Act Notice

Privacy Act Notice: The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 48 U.S.C. § 2050a-14; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes, where pertinent. It is being provided to such the USPS is a party or has an interest in a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits, or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to perform an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private mail legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 28 CFR 1014; to the Mail Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, this information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 656)

7. Statement (Continue on Form 2560 if additional space is required)

I, Leonard L. Brown, Manager, Human Resources, EAS-24, for the Detroit District, have held this position since November 1999, do hereby waive the right to representation.

I had no knowledge of Mr. Schaefer's EEO activity prior to March 1, 2001, and was made aware of his present case when I received the request for an affidavit. I did not regard Mr. Schaefer as being disabled, however, as unable to perform the requirements and conditions of the employment for which he was hired. With respect to the letter dated March 5, 2001 to Mr. Schaefer, the Injury Compensation Department is but one of the functional departments that report to the Manager of Human Resources.

The Injury Compensation Department's purpose is to receive and process claims associated with work-related illnesses and injuries. As the manager, I am requested to sign, as such, numerous letters to employees who have suffered injuries or illnesses resulting from work-related activities. The correspondence to Mr. Schaefer dated March 6, 2001, was but one of them. It is rare that I am fully knowledgeable of the facts or circumstances of the case or the individual of concern. To my recollection, this was the case with Mr. Schaefer. I rely on my departments to properly administer the program or work within that unit.

While I don't specifically recall speaking to Mr. Schaefer on March 13, 2001, it would be a likely response that I didn't remember sending out the aforementioned letter in light of my earlier comments. I have no knowledge of Postmaster, James Cappelli's involvement with the scheduling of Mr. Schaefer's Fitness for Duty examination, nor do I recall any specific discussions concerning his attempt to return to work. Mr. Schaefer was not allowed to return to work based on the factors outlined in the correspondence to him dated March 19, 2001. It is the District's policy to obtain a Fitness for Duty examination prior to initiating a disability separation.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature: Leonard L. Brown Date Signed: 4-8-02

PS Form 2560-01, March 2001

AFFIDAVIT H
 p. 1 of 2

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Plaintiff Exhibit 11G: L. Brown
 Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

Plaintiff Exhibit 11G



EEO Investigative Affidavit (Continuation Sheet)

Page No.	No. of pages	Case No.
2	2	

The Joyfield Station was phoned to hold a "specific" piece of mail from being delivered to Mr. Schaefer. This was at my request. The reason for holding the mail piece was to give me an opportunity to discuss the issues and facts with members of management, who were familiar with the case, prior to delivery.

These efforts, however, were unsuccessful and all mails addressed to Mr. Schaefer were delivered. I don't recall if I had conversations with him concerning this matter, but I do recall speaking with a Postal Inspector who had been contacted concerning this matter. It was my understanding that the Inspector's response would respond to all areas at issue concerning this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Bernard A. Friedman

Date Signed

4-8-02

PS Form 2869, March 2001

AFFIDAVIT H
 p. 2 of 2

4/a

Honorable Bernard A. Friedman

Case: 2:06cv12824

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Plaintiff Exhibit 11H: Price Affidavit

Plaintiff Exhibit 11H

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

U.S. Postal Service EEO Investigative Affidavit (Witness)		Page No. 1	No. Pag. 1	Case No. 4J481009301
1. Affiant's Name (Last, First, MI) PRICE, CAROLYN A.		2. Employing Postal Facility GEORGE W. YOUNG FACILITY/ DETROIT DISTRICT		
3. Position Title MANAGER, EEO DISPUTE RESOLUTION	4. Grade Level EAS-10	5. Postal Address and Zip +4 1491 W. Fort Street Room #18 DETROIT, MI 48233-8411		6. Unit Assigned EQUAL EMPLOYMENT OPPOR

Privacy Act Notice. The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-10, the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, to a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearance, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearance, security or suitability investigations,

contracts, licenses, grants or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to perform an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaint manager appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.


USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to provide the requested information could result in disciplinary action. (ELM 686)

7. Statement (Continue on Form 2868-B if additional space is required)

I have served as the Manager, EEO for twelve years. Prior to that I was assigned to the position of EEO Counselor/Investigator for four years and to the position of Central Region EEO Investigator for eight years. I at no time withheld any of the necessary documents required by the complainant to file a complaint or in any manner attempted to restrain or impede his right to file a complaint against the Postal Service. I still do not have any idea as to what the complainant was referencing about his mail being pulled by my supervisor or anyone else. All the documents that the complainant filed in his formal complaint were made apart of his investigative file. This was verified with staff from the appeals office. No documents were withheld. My comment to the complainant was "I must be confusing you". If I offended the complainant I apologize. No offense, malice or insult was intended.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature  Date Signed **April 5, 2002**

PS Form 2868-B, March 2001

AFFIDAVIT I
P. 1

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Honorable Bernard A. Friedman

Case: 2:06cv12824


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Plaintiff Exhibit 11: Spencer Affidavit

Plaintiff Exhibit 111

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

 EEO Investigative Affidavit (WITNESS)		Page No. 1	No. of Pages 1	Case No. 4-J-481-0093-01
1. Affiant's Name (First, Middle, Last) RUBY M. SPENCER		2. Employing Postal Facility GEORGE W. YOUNG POSTAL FACILITY		
3. Position Title DISPUTE RESOLUTION SPECIALIST	4. Grade Level EAS-17	5. Postal Address and Zip + 4 1401 WEST FORT RM. 815 DETROIT MI 48233-9402		6. Unit Assigned HUMAN RESOURCES
Privacy Act Notice				

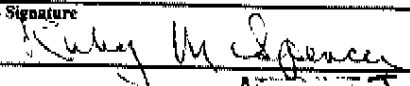
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investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

I, Ruby M. Spencer, EEO Dispute Resolution Specialist (DRS), EAS-17, am assigned to the Detroit District EEO Office. I have held this position since July 2000. My previous position, from 1986 until July 2000 was as EEO Counselor/Investigator (C/I). Mark E. Schaefer's, hereinafter referred to as the complainant, EEO complaint was assigned to me on April 18, 2001. During the Initial Interview he completed the same EEO forms, as other employees prior to discussing their EEO case with the DRS. There was no disparity in how his case was handled. Impartial interviews and inquiries were conducted regarding his allegation of discrimination as per usual and customary. The complainant was not pressured or coerced into signing or submitting any documentation. I do not have the authority to discontinue processing any employee's EEO case. I must go through the same process and procedures with all employees who file EEO complaints. The complainant asked a lot of questions and I responded to the best of my ability, based on EEOC regulations, Federal law, Executive Orders, postal regulations, etc. I continuously explained how the EEO process worked throughout the Initial Interview and especially during the Final Interview with the complainant. I did not deliberately delay the complainant's EEO case, mislead, discourage or commit any fraudulent acts against him.

- NOTHING BELOW THIS LINE -

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature 	Date April 4, 2002
--	------------------------------

AF-100-3
2-1-1

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Honorable Bernard A. Friedman

Case: 2:06cv12824

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Plaintiff Exhibit 11J

Plaintiff Exhibit 11J: Lave letter

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

EASTERN AREA INJURY COMPENSATION
U S POSTAL SERVICE



December 17, 2001

TAMMY KLEIN
EEO COMPLAINTS INVESTIGATOR
1401 W FORT ST RM 816-B
DETROIT MI 48233-9994

RE: Mark Schaefer

Dear Ms. Klein,

I am in receipt of two affidavits for employees that are not employed by this office. Debra Benedict transferred to the Dept. of Labor in July of this year and William Naples is the Manager, Injury Compensation in the Cleveland District office.

While employed by our office, Debra had administrative responsibility for Mr. Schaefer's injury compensation claim. The case has been reassigned to Beth Eliopoulos of the Greater Michigan District as of September of this year. I'm returning the affidavits to you as I cannot assist you without the case file.

If you have any additional questions, please call me at the number listed below.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Lave".

Sharon Lave
A/Human Resources Analyst
Eastern Area

P O BOX 92457
CLEVELAND OH 44161-6457
215-443-4733
FAX: 215-443-4023

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Honorable Bernard A. Friedman

Case: 2:06cv12824

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Plaintiff Exhibit 11K: Gaines Affidavit

Plaintiff Exhibit 11K

Schaefer v. United States - EEOC: Case # 2:06-cv-12824: Judge Bernard A. Friedman

U.S. Postal Service		Page No.	No. Pages	Case No.
EEO Investigative Affidavit (Witness)		1	2	4J-481-0093-01
1. Affiant's Name (Last, First, MI) GAINES, CHARLOTTE A.		2. Employing Postal Facility U.S. POSTAL SERVICE		
3. Position Title HUMAN RESOURCES SPECIALIST	4. Grade Level EAS-15	5. Postal Address and Zip +4 1401 W. FORT ST. DETROIT, MI 48233-9443		6. Unit Assigned INJURY COMPENSATION

Privacy Act Notice

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contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant or other person under contract with the USPS to perform an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS invoices; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614, to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 666)

7. Statement (Continue on Form 2568-B if additional space is required)

My name is Charlotte Ann Gaines. I am a Human Resources Specialist, EAS 15 and assigned to the Detroit District Injury Compensation Office located in Detroit, MI. I have been a Postal Employee for 31 years and 6 months. I am waiving my right to representation, at this time. In the event it becomes necessary, I may be represented by the Detroit District Labor Relations Office. On August 11, 2000, I was made aware that Mr. Schaefer had filed an EEO referencing his open case. A representative from Detroit District EEO requested a review of his file. The knowledge that there was an EEO case pending had no impact on my dealings with Mr. Schaefer. Based on medical documentation received from Mark Schaefer and the OWCP (Office of Workers' Compensation Programs), I regarded Mr. Schaefer to be totally disabled for all work with the Postal Service. Upon review of medical documentation and concurrence by the Manager, Human Resources, I followed procedures through the Great Lakes Area Office and Headquarters by requesting a Separation Disability for Mr. Schaefer. The Separation Disability was subsequently approved by the authorized higher level Postal Personnel. Mark Schaefer is on the Periodic Rolls with the OWCP. The Periodic Rolls provide totally disabled employees with a compensation check every 28 days, without the need to file a CA7. Injured employees are placed on the Periodic Rolls by the OWCP based on available medical documentation indicating that the employee's disability from work is going to be long term. Employees on the Periodic Rolls must be released to return to work by the OWCP. Upon receipt of valid medical documentation releasing the employee to return to work, the OWCP contacts the employing agency to ascertain if suitable work is available. My role in returning an employee back to work from the Periodic Rolls is to provide suitable work, upon OWCP request. The Periodic Rolls cases are managed at the Area level. The Detroit District Periodic Rolls cases were managed by Area Human Resource Specialist Debra Benedict in the Alleghany Area Office, located in Cleveland, Ohio. At the local level, I occasionally conversed with Specialist Debra Benedict regarding the status of Mark Schaefer's case. At no time did Ms. Benedict indicate that the OWCP had received valid medical documentation releasing Mr. Schaefer to return to work. I was not empowered to return Mark Schaefer to full duty or work. The directive to return an employee to work from the Periodic Rolls must come from the OWCP through the Area Human Resources Specialist. This office nor I received any such directive. I sent all documents received by claimant to the OWCP, in a timely manner. I also provided Debra Benedict a copy. My conversation with Mark Schaefer on 03/14/01 consisted of his request for a written response for "why the Post Office is not returning him to work".

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature:

Charlotte A. Gaines

Date Signed

January 3, 2002

PS Form 2568-B March 2001

Charlotte A. Gaines

11/25/02

000051

Honorable Bernard A. Friedman

Case: 2:06cv12824

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Plaintiff Exhibit 11K

Plaintiff Exhibit 11K: Gaines Affidavit

Schaefer v. United States - EEOC: Case # 2:06-cv-12824; Judge Bernard A. Friedman



EEO Investigative Affidavit (Continuation Sheet)

Page No	No. Pages	Case No.
2	2	4J-481-0093-01

I had no conversation with Mr. Schaefer regarding sending him a letter to return to work, which is why he never received one. I had previously sent the OWCP a copy of Mark Schaefer's position description (Carrier Technician) at the onset of his claim, in 1997. Debra Benedict received the copy of claimant's position description when she copied his file from the OWCP Periodic Rolls unit. Mr. Schaefer had verbally indicated to me that he had bidden on a position in Livonia, MI and was awarded same. I never received written notification of the bid award and therefore could not submit information to Ms. Benedict regarding his new bid. The OWCP (Office of Workers' Compensation Programs) has sole jurisdiction over the FECA (Federal Employees' Compensation Act). The OWCP determines the status of claims (i.e. acceptance, denial, compensation benefits eligibility and work status) based on review of available probative factual and medical information. The local level can not appeal OWCP rulings or override them. Mr. Schaefer's case was primarily managed at the Area level and the OWCP. There was no error or abuse in the local level management of Mr. Schaefer's case. Attached are letters addressed to Mr. Schaefer referencing the status of his case and his request to return to work. Letters are from the OWCP, Debra Benedict and Leonard L. Brown. Mr. Schaefer's case was managed per 20 CFR 10.2 which indicates 'the Director, Office of Workers' Compensation Programs and his or her designees have the sole authority for the administration, implementation and enforcement of the provisions under the FECA'. All decisions regarding claim issues are made by the US Department of Labor.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Date Signed

January 3, 2002

PS Form 2509, March 2001

11/25/02

000058

Honorable Bernard A. Friedman

Case: 2:06cv12824

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Plaintiff Exhibit 11K

Plaintiff Exhibit 11K: Gaines Affidavit

Schaefer v. United States - EEOC: Case # 2:06-cv-12824; Judge Bernard A. Friedman

Qualification Standards—Bargaining Unit Positions

2300x

Carrier Technician—Level 6 (2310-02)

Document Date: November 30, 1987

Function

As principal carrier for a designated group of not less than 5 letter routes, delivers mail on foot or by vehicle on the routes in his group during the absence of the regularly assigned carrier, and provides job instruction to newly assigned carriers.

Description of Work

See Handbook EL-201 (P-1), *Standard Position Descriptions*, for the occupation code given above.

Proficiency Requirements

1. General

Applicants must have demonstrated to a sufficient degree the following skills, abilities, and knowledge to assure adequate performance in the position:

B-6. Ability to use reference materials and manuals particularly as it relates to city delivery service.

2. Special

Applicants must have:

- a. Ability to instruct new carriers in the office and street duties and responsibilities of a city carrier.
- b. Ability to work independently.
- c. Ability to work with carriers in improving delivery service and in maintaining cooperative relationships with customers.

Experience Requirements

1. At least 2 years of postal experience, of which at least 1 year must have been in the performance of city carrier duties.
2. Successful completion of a 4-year high school curriculum may be substituted for 1 year of the required experience, but not for the 1 year of experience as city carrier.

Note: The required amount of experience will not in itself be accepted as proof of qualification. The applicant's record of experience and training must show the ability to perform the duties of the position.

EL-303, TL-2, 11-30-87

000060

Plaintiff Exhibit 11L

Plaintiff Exhibit 11L: Norfleet Affidavit

Schaefer v. United States - EEOC: Case # 2:06-cv-12824: Judge Bernard A. Friedman

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
GREAT LAKES AREAUNITED STATES POSTAL SERVICE
EQUAL EMPLOYMENT OPPORTUNITY CASE
IN THE MATTER OF:Mark E. Schaefer,
Complainant,

v.

John E. Potter,
Postmaster General,
Respondent.Case Number: 4-J-481-0155-00
Formal Filing Date: Remanded
06A21203
01A10356

Date: October 22, 2002

To: Sheila Norfleet

REQUEST FOR AFFIDAVIT

Please be advised that an investigation have been commenced into the above EEO complaint. In this complaint, Mr. Schaefer alleges discrimination based on his Mental Disability regarding the following issue(s):

1. Denied reasonable accommodation when the doctor's orders were not followed and no suitable position or workplace was recommended
2. Physically assaulted by supervisor

You are requested to submit an affidavit. An affidavit is a declaration made under oath, affirmation, or written statement of penalty of perjury. It is taken without a pledge of confidence and will be included in the investigation file. Once the investigation is completed, a copy of the investigative file will be provided to the Complainant. The investigative file forms the basis upon which a Final Agency Decision on this EEO

1401 W. Fort Street, Room 810-B
Detroit MI 48233-9994
313-226-8106
FAX 313-963-2051

000796

Plaintiff Exhibit 11L

Plaintiff Exhibit 11L: Norfleet Affidavit

Schaefer v. United States - EEOC: Case # 2:06-cv-12824; Judge Bernard A. Friedman

complaint will be determined. *Your testimony is necessary, as it will constitute the official articulation of the Postal Service's non-discriminatory reason for the above action. The enclosed questions must be answered in your affidavit.*

Please be advised you have the right to elect an individual of your choosing to represent you in this matter. It is important that you begin to prepare your testimony immediately, as your response must be submitted within five (5) days of your receipt of this request.

Enclosed for the purpose of submitting your affidavit you will find:

1. A list of questions to be answered
2. Instructions for completing your affidavit
3. One copy PS Form 2568-B, *EEO Investigative Affidavit (Witness)*
4. Four copies PS Form 2569, *EEO Investigative Affidavit (Continuation Sheet)*
5. PS Form 2571, *Certification*

Thank you for your anticipated cooperation in this matter. If you have any questions, please do not hesitate to contact me at (313) 226-8108.

Sincerely,



Vanessa R. Lodge
Ad Hoc EEO Investigator

Enclosures

1401 W. Fort Street, Room 816-B
Detroit MI 48233-9994
313-226-8108
FAX 313-963-2051

000797

Plaintiff Exhibit 11L: Norfleet Affidavit

Plaintiff Exhibit 11L

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824; Judge Bernard A. Friedman

U.S. Postal Service

EEO Investigative Affidavit (Witness)Page No. **1** No Pages _____ Case No. _____1. Affiant's Name (Last, First, MI)
NORFLEET, SHEILA A.2. Employing Postal Facility
INKSTER POST OFFICE3. Position Title
CUSTOMER SERVICE SUPERVISOR4. Grade Level
EAS-175. Postal Address and Zip +4
**27431 MICHIGAN AVENUE
48141-8998**6. Unit Assigned
0141**Privacy Act Notice**

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contracts, licenses, grants or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614, to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction, and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 666)

7. Statement (Continue on Form 2569 if additional space is required)

On Saturday, July 5, 2002 Mr. Mark Schaefer kept walking away from his carrier case which was directly behind the supervisors desk. The supervisor desk puts their back to the case which is route 5043 if I'm not mistaken. The route belonged to Donna High and Mr. Schaefer was the T-6 on her route. I had instructed Mr. Schaefer on going to his route and casing the flats on his route. Mr. Schaefer came to my desk and cracked a joke as he so often did. I was talking to a couple of carriers at the time concerning their pay and when he cracked his joke and I laughed and put my hand up which lightly touched his chest and said "get out of here". I continued talking to the carriers and then to the clerks to have 3971's (Notification of Absence) signed and the time put in since it was the end of the pay period. After another 10 minutes I went back in the time office at Livonia and sat and ate a bagel and drank a cup of coffee while I answered the timekeepers questions.

I went back to the workroom floor and observed Mr. Schaefer at another carriers case around the corner from his case. He was having a conversation with two other carriers, Gary Burda and Tom the express person. I again instructed Mr. Schaefer to go back to his case. He turned around and frowned at me and started saying stay away from me, you tried to kill me. Mr. Schaefer then went back to his case and cased some mail on the route. This all happened at approximately 8:30a.m. At approximately 10:00a.m. he was paged to the telephone and the person said it was the postal inspectors.

Mr. Schaefer's girlfriend (Laura Stimac) filed an EEO against me and lost the case in March of 1997 (see attached Summary). I believe this was an attempt to get revenge for her. I believe someone help him put this together due to some of the route changes that had just recently taken place.

Mr. Schaefer didn't ask to seek medical attention until after the Inspector came to our office at approximately 12:00p.m. Per the medical documentation, he showed no signs of injury until three days later on a Monday when he went to injury compensation.

Mr. Schaefer also pressed charges against me and I had to go to court to defend my life and my honor on December 10, 1997. This was a very stressful time although the judicial system in Livonia was fair and the case was dismissed (see court transcript). I am unable to find all of the relevant papers due to remodeling of my basement but they will be forwarded before the week is over. there will be attached statements made at the time.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Date Signed

11/30/02

000052

Honorable Bernard A. Friedman

Case: 2:06cv12824

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